



KENTUCKY EMERGENCY RESPONSE COMMISSION

Kentucky Emergency Management Agency

BIMONTHLY
NEWSLETTER

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Recent Policy Approvals:

- *No New Policies*

LEPC Form or KERC Approved List Updates:

- *KERC Approved Expenditures for LEPC Grant Funds– **UPDATED**, see attached*

KERC Notifications:

KERC administrative staff will send all LEPC Forms, KERC Approved Lists, and KERC Policies in an email with attachments for documentation of transaction.

Q&A:

Question– Does an LEPC need to obtain permission from the KERC to spend LEPC funds?

Answer– Per KERC Policy 003-2018– Policy on LEPC Procurement, the amount of a purchase must be under \$5,000, the item must be on the KERC Approved Expenditures for LEPC Grant Funds list, and the item must be budgeted on the LEPC Detailed Budget with justification. If one of the three requirements is not met, then the purchase must be approved by the KERC Grants Committee and KERC. If you have questions regarding LEPC expenditures, contact Tiffany Sizemore, KERC Program Manager.

Question– When is a Request for Grant Modification necessary?

Answer– A Request for Grant Modification is necessary when funds have been allocated in one category, but need to be spent in a different category. For example: The LEPC allotted \$1,000 in the travel category, but the laptop used for LEPC documentation crashed. If there are no funds in the data management category, a Request for Grant Modification would need to be made to move funds from the travel category, to the data management category, so a new laptop could be purchased.

KERC Contacts:

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Notes from the January KERC Meeting:

- Bidding will soon begin for a state purchased Tier II management program. Reporting for this year remains the same as previous years. Please continue to share this information with your Tier II facilities. Training will be available once a program has been purchased.
- There will be a \$250 late fee for **ALL** facilities who file Tier II Reports after the March 1st filing deadline. There are **NO** exemptions to this fee, so Category 1 facilities who file late will also be subject to the fee. Please share this information with your Tier II facilities.
- Ninety-seven (97) LEPC Membership Lists were presented to the KERC for approval. The KERC voted unanimously to accept all Membership Lists presented, and all persons listed were officially appointed as members of their respective LEPC. Furthermore, per KRS 39E.100, all persons shall be considered as agents of the state for all purposes, including purposes of liability protection.
- Any changes made to the appointed members, prior to their expiration date, will be submitted to Tiffany Sizemore, KERC Program Manager. Newly identified submission will be reviewed and approved by the KERC at the next scheduled KERC meeting.
- All LEPCs should be working on their EHS Facility Emergency Response Plans. The state began a two year plan update in April 2018 with benchmarks to meet along the way. The benchmarks are designed to help LEPCs with numerous plans disperse the work over the two year period. The benchmarks are:
 - 75% of EHS Plans due by March 2019
 - 100% of EHS Plans due by July 2019
- There are currently 1,175 EHS Plans needed in the Commonwealth of Kentucky. At this point, the Commonwealth should have 50% of its plans KERC approved, but less than 25% have been approved.
- The Public Legal Notice is due to be uploaded in the LEPC Dashboard by February 28, 2019.
- The KERC Approved Expenditures for LEPC Grant Funds list had an addition after the January 16, 2019 meeting. A copy of the list is attached, but can also be found on SharePoint in the KYEM Forms section, under Sara Title III or on the KYEM Webpage.
- The KERC Legislative Committee is currently working on KAR re-writes.

KERC Meeting Minutes: To request a copy of KERC meeting minutes, email Tiffany Sizemore at tiffany.r.sizemore.nfg@mail.mil. Minutes must be approved by the KERC before release.

Upcoming KERC Meeting Dates:

Wednesday, March 13, 2019 at 10:00am
On-Site Registration begins at 9:00am
Subcommittee meetings begin at 9:30am
Energy and Environment Cabinet
Training Room C
300 Sower Boulevard
Frankfort, KY 40601



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LEPC Documentation Deadlines:

January

- No later than January 31, publish public information on committee activities entitled “Public (Legal) Notice Advertisement”

****Note:** LEPCs must meet at least twice per year (once if no EHS in the planning district) and upload meeting minutes to the Kentucky LEPC Dashboard with thirty (30) days of the meeting.

February

- No later than February 28, in the Kentucky LEPC Dashboard, upload a photocopy of the “Public (Legal) Notice Advertisement” published. The name and the date of the newspaper must be clearly shown.

March

- Facilities must submit by March 1: 1) Their annual Tier II Reports; AND 2) A Facility Annual Certification Letter (FACL)

****Note:** The FACL must state: 1) There are no changes to the EHS Plan; OR 2) The EHS Plan has been revised and the revisions are included with the FACL.

April

- No later than April 1, review the EHS Facility Emergency Response Plans and fill out an Annual Certification Letter (ACL) in the Kentucky LEPC Dashboard stating: 1) There were no changes; OR 2) The plan has been revised and revisions are included with the ACL.
- Fill out the LEPC Grant Application in the Kentucky LEPC Dashboard. Print, sign, and upload the application.
- Upload documentation of expenditures, bank statements, and the LEPC Bank Ledger in the Kentucky LEPC Dashboard. Invoices and receipts should be uploaded with bank statements for the timeframe the money was spent. All bank statements should be uploaded individually.

June

- No later than June 1, fill out the LEPC Detailed Budget in the Kentucky LEPC Dashboard identifying how the funds requested on the LEPC Grant Application are to be spent.

July-August

- The KERC Fee Account Grant Fund Contract will be emailed to all eligible LEPCs. Print, sign required pages, and mail the contract to the LEPC Program Coordinator.

September

- No later than September 15, the KERC will make the KERC Fee Account Grant awards.

December

- No later than December 1, in the Kentucky LEPC Dashboard, update the LEPC Membership List and LEPC Membership Cover Page. Name, agency, email address, and phone number should be entered for all members.
- No later than December 1, in the Kentucky LEPC Dashboard, upload the LEPC Bylaws, with certification stating: 1) There were no changes; OR 2) The LEPC Bylaws have been revised and the revisions are included. Bylaws or certification must be signed and dated by the Chair of the LEPC each year.
- No later than December 1, in the Kentucky LEPC Dashboard, update the LEPC Personal Property Inventory for all items valued over \$500.



Upcoming KERC Approved Trainings and Conferences:

No new KERC approved trainings have been posted as this time.

****Note:** If you would like to attend a training you feel would be beneficial to your LEPC that is not listed on the KERC Approved Training List, email a request to the KERC Program Manager. The request will be forwarded to the KERC Information and Training Committee to be reviewed for approval at the next scheduled KERC meeting. If KERC approval is granted, the training will be added to the KERC Approved Training List.

Who We Are:

Kentucky adopted the Emergency Planning and Community Right-to-Know Act (EPCRA) into law through [Kentucky Revised Statutes \(KRS\) 39E](#) and the Kentucky Administrative Regulations (KAR) found in [106 KAR Chapter 1](#). EPCRA requires that every State have a State Emergency Response Commission (SERC). In Kentucky, the SERC is known as the Kentucky Emergency Response Commission (KERC).

The KERC was established to:

- Implement all provisions related to hazardous substances;
- Develop policies related to the response of state and local governments to releases of hazardous substances;
- Develop standards for planning for these events;
- Develop reporting requirements for hazardous substances;
- Provide information to the public concerning hazardous substances in the community;
- Develop training requirements; and
- Develop requirements for local governments and covered facilities to exercise plans related to hazardous substance response.

For more information on the laws and regulations governing the implementation of EPCRA in Kentucky, consult KRS 39E and 106 KAR Chapter 1 at the Kentucky Legislature website at <http://www.lrc.ky.gov/law.htm>.